

AMENDED IN SENATE APRIL 9, 2014

**SENATE BILL**

**No. 1396**

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**Introduced by Senator Hancock**

February 21, 2014

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An act to add Chapter 19 (commencing with Section 53330) to Part 28 of Division 4 of Title 2 of the Education Code, relating to school climate.

LEGISLATIVE COUNSEL'S DIGEST

SB 1396, as amended, Hancock. School climate: ~~Schoolwide Positive Behavior Intervention and Support~~ *multitiered intervention and support* program.

Existing law establishes a system of public elementary and secondary schools in this state, and authorizes local educational agencies throughout the state to provide instruction to pupils.

This bill would establish ~~the Schoolwide Positive Behavior Intervention and Support~~ *a multitiered intervention and support* program. The bill, to the extent that one-time funding is made available in the Budget Act of 2014, would require the State Department of Education to apportion funds to a designated county office of education, selected from applicant county offices of education, that would be the fiduciary agent for the program. The bill would require the designated county office of education to consult with specified organizations and target the funding towards a statewide professional development effort that would provide training in ~~schoolwide positive behavior and support~~ *multitiered intervention and support* to school personnel.

The bill would require the Legislative Analyst's Office to review the impacts of this professional development effort and report to the

Governor, *the State Department of Education*, and the Legislature by June 30, ~~2016~~, 2017, on specified aspects of the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) In many school districts, local policies have addressed safety  
4 and mental health issues in schools with ad hoc and piecemeal  
5 strategies. This is borne out by the very narrow federal and state  
6 laws related to pupil suspension and expulsion that produced  
7 reactive discipline policies and increased pupil exclusion from  
8 school. These practices have resulted in disproportionality in  
9 discipline practices, as reflected in the high number of suspensions  
10 and expulsions among African American and Latino pupils in  
11 California.

12 *(b) Restorative justice or restorative practices is a set of*  
13 *principles and practices grounded in the values of showing respect,*  
14 *taking responsibility, and strengthening relationships. Restorative*  
15 *justice focuses on repair of harm and prevention of reoccurrence.*  
16 *Restorative practices, applied in a schoolwide context, are used*  
17 *to build a sense of school community and resolve conflict by*  
18 *repairing harm and restoring positive relationships where pupils*  
19 *and educators work together to set academic goals, develop core*  
20 *values for the classroom, and resolve conflicts. Restorative*  
21 *practices can be incorporated in the tiered framework of*  
22 *schoolwide positive behavior interventions and supports.*

23 ~~(b)~~

24 (c) Recent statistics indicate that 20 percent of schoolage youth  
25 experience a functional or significant behavior or mental health  
26 disorder. In contrast, less than 1 percent of pupils are identified to  
27 receive mental health services through the special education  
28 classification of emotional disturbance. These numbers suggest a  
29 significant gap in the need for school-based prevention and  
30 intervention behavioral health services. Schoolwide Positive  
31 Behavior Intervention and Support (SW—PBIS) can fill this gap  
32 by providing a comprehensive and collaborative prevention and  
33 intervention framework for schools to improve academic and

1 behavioral outcomes for all pupils. Recent research from Orange  
2 County has shown that in districts where SW—PBIS has been  
3 implemented there has been a 26-percent drop in in-school  
4 suspensions, a 55-percent drop in out-of-school suspensions, and  
5 a 30-percent drop in expulsions.

6 ~~(e)~~

7 *(d)* In order to ensure that all pupils flourish academically,  
8 districts must establish equitable discipline practices and behavioral  
9 interventions that promote positive social-emotional development  
10 and that prevent and respond to negative behaviors in order to  
11 reengage disconnected pupils. School psychologists play a critical  
12 role in implementing school-based educationally related counseling  
13 services and positive behavior systems and supports that create  
14 and reinforce positive school cultures of achievement for all pupils,  
15 including those at risk of academic failure.

16 ~~(d)~~

17 *(e)* The local control funding formula has been passed in an  
18 effort to reform school finance and to direct funding directly to  
19 at-risk pupil populations as outlined in Section 42238.07 of the  
20 Education Code. This section states that the regulations shall  
21 require a school district “to increase or improve services for  
22 unduplicated pupils.” Research shows that efforts to improve  
23 school climate, safety, and learning are not separate endeavors.  
24 They must be designed, funded, and implemented as a  
25 comprehensive schoolwide approach. School districts must work  
26 to ensure through their local control and accountability plans that  
27 pupils have access to universal, targeted, and individualized  
28 psychological, behavioral, and counseling services and support  
29 that will increase their chances for academic improvement.

30 ~~(e)~~

31 *(f)* SW—PBIS is a multitiered framework for creating positive  
32 school cultures. SW—PBIS is a decisionmaking framework that  
33 guides selection, integration, and implementation of the best  
34 evidence-based academic and behavioral practices for improving  
35 important academic and behavior outcomes for all pupils. The  
36 SW—PBIS approach requires the implementation of preventative  
37 and proactive approaches to discipline and positive discipline  
38 methods. In doing so, SW—PBIS changes the belief systems and  
39 behavior of school staffs, pupils, and the community, resulting in  
40 positive, productive citizens, and safer schools.

1     ~~(f)~~

2     (g) SW—PBIS can support important local control and  
3 accountability plan priority areas by providing local schools and  
4 districts with an evidence-based framework to produce targeted  
5 pupil behavioral and academic outcomes. SW—PBIS provides an  
6 operational framework for achieving these outcomes.

7     ~~(g)~~

8     (h) SW—PBIS fosters local control for school climate,  
9 academics, and behavior. SW—PBIS provides an operational  
10 framework and a set of sustainable schoolwide practices for  
11 achieving these outcomes. The schoolwide practices are  
12 research-based, but are developed and implemented by the local  
13 school team of teachers, parents, administrators, school  
14 psychologists, school counselors, and pupils to reflect the culture  
15 and values of their schools.

16    ~~(h)~~

17    (i) SW—PBIS has national support and has been defined,  
18 described, and researched since its introduction in the  
19 reauthorization of the Individuals with Disabilities Education Act  
20 of 1997. SW—PBIS research and training is supported by the  
21 Office of Special Education Programs (OSEP), United States  
22 Department of Education, through the OSEP Technical Assistance  
23 Center. School psychologists have been leaders in SW—PBIS  
24 professional development and systems implementation in schools  
25 and districts throughout the state.

26    ~~(i)~~

27    (j) (1) SW—PBIS emphasizes four integrated elements:

28       (A) Data for decisionmaking.

29       (B) Measurable outcomes supported and evaluated by data.

30       (C) Practices with evidence that these outcomes are achievable.

31       (D) Systems that efficiently and effectively support  
32 implementation of these practices.

33    (2) These four elements are guided by six core principles, as  
34 follows:

35       (A) Develop a continuum of scientifically based behavior and  
36 academic interventions and supports.

37       (B) Use data to make decisions and solve problems.

38       (C) Arrange the environment to prevent the development and  
39 occurrence of problem behavior; increase supervision where  
40 needed.

(D) All school staff teach and encourage prosocial skills and behaviors in all settings on campus, and before and after school.

(E) Implement evidence-based behavioral practices with fidelity and accountability.

(F) Screen universally and monitor pupil performance and progress continuously.

(j)

(k) Schools that have established and maintained SW—PBIS systems with integrity have teaching and learning environments that are less reactive, aversive, punitive, dangerous, and exclusionary, are more engaging, responsive, preventive, productive, and participatory, address classroom management and disciplinary issues such as attendance, cooperation, participation, and meeting positive expectations, improve support for pupils whose behavior requires more specialized or intensive assistance for emotional and behavioral disorders and mental health issues, and maximize academic engagement and achievement for all pupils.

SEC. 2. Chapter 19 (commencing with Section 53330) is added to Part 28 of Division 4 of Title 2 of the Education Code, to read:

CHAPTER 19. ~~SCHOOLWIDE POSITIVE BEHAVIOR~~ *MULTITIERED*  
INTERVENTION AND SUPPORT

53330. (a) To the extent that one-time funding is made available in the Budget Act of 2014, the department shall apportion funds to a designated county office of education to be the fiduciary agent for *a multitiered intervention and support program that includes, but is not limited to*, the Schoolwide Positive Behavior Intervention and Support ~~(SW-PBIS)~~ program. The designated county office of education shall be chosen by the Superintendent from county offices that apply for designation under this chapter. The designated county office of education shall be in charge of establishing specific professional development activities that will lead to statewide professional development support structures allowing for the development and expansion of ~~SW-PBIS~~ *multitiered intervention and support* efforts in each region of the state.

(b) This professional development and outreach effort shall build upon existing statewide organizations, networks, and regional

1 organizations that are providing services related to ~~SW-PBIS~~  
2 *multitiered intervention and support* and other mental health  
3 approaches. The goal would be to organize ~~SW-PBIS~~ *multitiered*  
4 *intervention and support* trainings and resources to be disseminated  
5 on a regional basis. These trainings, associated materials, and  
6 research shall educate participants on how to have ~~SW-PBIS~~  
7 *multitiered intervention and support program* support local control  
8 and accountability plan strategic goals in alignment with a  
9 multitiered support system framework.

10 (c) The designated county office of education shall consult with  
11 the *Regional K—12 Student Mental Health Initiative*, the National  
12 Alliance on Mental Health Illness, the California Technical  
13 Assistance Center on ~~SW-PBIS~~, *Schoolwide Positive Behavior*  
14 *Intervention and Support*, the California County Superintendents  
15 Educational Services Association, the California Mental Health  
16 Directors Association, the United Advocates for Children and  
17 Families, and other nonprofit agencies throughout the state. The  
18 designated county office of education shall also select an advisory  
19 committee made up of stakeholders and mental health professionals  
20 who have participated in the development and expansion of  
21 ~~SW-PBIS~~ *multitiered intervention and support* programs to assist  
22 in the planning and implementation of this project.

23 (d) *The designated county office of education, in the*  
24 *implementation of this chapter, shall consider and include, as*  
25 *appropriate, available resources for multitiered intervention and*  
26 *support.*

27 ~~(d)~~

28 (e) Within the context of a state-level plan, funding shall be  
29 targeted to all of the following critical activities:

30 (1) Explaining the importance of linking ~~SW-PBIS~~ *multitiered*  
31 *intervention and support* efforts with local control funding formula  
32 planning.

33 (2) Creating broad exposure to ~~SW-PBIS~~, *multitiered*  
34 *intervention and support*, which would include pamphlets, videos,  
35 Internet Web site creation, webinars, and newsletters.

36 (3) Creating regional conferences on ~~SW-PBIS~~ *multitiered*  
37 *intervention and support* implementation that would provide free  
38 training for teachers, school psychologists, and administrators.

39 (4) Establishing stipends for release time for school personnel  
40 attending these workshops.

1 (5) Developing best practices of current district level ~~SW-PBIS~~  
2 *multitiered intervention and support systems based on the analysis*  
3 *pursuant to subdivision (f)* and ensure that these best practices are  
4 widely disseminated.

5 (6) Establishing a cohort of trainers that can be available to  
6 work directly with local school districts seeking to implement  
7 ~~SW-PBIS~~ *multitiered intervention and support programs*.

8 (7) Establishing a repository for the collection and dissemination  
9 of ~~SW-PBIS~~ *multitiered intervention and support* best practices.

10 (e)

11 (f) The designated county office of education, working in  
12 cooperation with the Department of Finance, the State Department  
13 of Education, and the Legislative Analyst, shall analyze the relevant  
14 data on the success of ~~SW-PBIS~~ *multitiered intervention and*  
15 *support programs* at both the state and national levels, and shall  
16 establish a set of best practices to be made available to school  
17 districts and consortia of *school* districts to expand ~~current mental~~  
18 ~~health programs~~ and to use as the foundation of addressing school  
19 discipline issues including school violence, suspensions,  
20 expulsions, and bullying; *schoolwide multitiered intervention and*  
21 *supports to address academic and behavioral issues and to use as*  
22 *a foundation for the annual goals and state priorities, such as*  
23 *pupil engagement and school climate, to be included in local*  
24 *control and accountability plans*.

25 (f)

26 (g) The Legislative Analyst's Office shall review the impacts  
27 of this professional development effort and shall report to the  
28 ~~Governor~~ Governor, the State Department of Education, and the  
29 Legislature by June 30, ~~2016~~, 2017, on the breadth and best  
30 practices of the training.